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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/501,531	07/16/2004	Willi Schneider	2104 0070US	4487	
29894	7590 06/23/2005		EXAMINER		
DREISS, FUHLENDORF, STEIMLE & BECKER			ALI, H	ALI, HYDER	
POSTFACH 10 37 62 D-70032 STUTTGART,			ART UNIT	PAPER NUMBER	
GERMANY			3747		
			DATE MAILED: 06/23/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

## Disposition of Claims ## Disposition of Claims ## AT Unit 10/601,531 SchNeIDER, WILLI Examiner Art Unit 3747 ## The MAILING DATE of this communication appears on the cover shoet with the correspondence address Period for Reply A SHORTEND STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ** If the period is reply specified soon is less bin bin'ty (30) days, a reply within the standary minimum of bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days, a reply within the standary minimum of bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days, a reply within the standary minimum of bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified soon is less bin bin'ty (30) days will be considered timely. ** If the period circle reply specified to be the communication. ** If the period circle reply within the scale of this communication. ** If the period circle reply specified bin the period circle of this communication. ** If the period circle								
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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroyuki (US 5,390,635).

As to **Claim 10**, Hiroyuki discloses a method for adjusting a volumetric flowvariable positive displacement pump in an internal combustion engine, the method comprising the steps of:

- a) driving the positive displacement pump 24; FIG. 2.
- b) transporting fluid to consumption points in the internal combustion engine 21; FIG. 2.
- c) determining at least one characteristic of the internal combustion engine; FIG. 2.
- d) transmitting said characteristic as an actual value signal to a controller 41; FIG. 2.
- e) comparing said actual value signal with a predetermined setpoint value; FIGS. 8,9
- f) generating an adjusting signal from a deviation between said actual value signal and said setpoint value; FIGS. 8,9;

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g) feeding said adjusting signal to a final control element 27;

h) changing a volumetric flow of the positive displacement pump 24 by means of said final control element as a function of said adjusting signal; and

i) repeating steps a) through h) until said actual value signal is the same as said setpoint value; FIGS. 8,9.

As to **Claim 11**, Hiroyuki discloses the characteristic is a speed of the internal combustion engine sense by the throttle valve sensor 43.

As to **Claim 12**, Hiroyuki discloses said setpoint value comprises a setpoint value range.

As to **Claim 13**, Hiroyuki discloses the volumetric flow is changed only when said adjusting signal exceeds a threshold value.

As to **Claim 14**, Hiroyuki discloses a multi-purpose motor control computer 41 is used as said controller.

As to **Claim 15**, Hiroyuki discloses said motor control computer 41 is supplemented with positive displacement pump data and calculation rules for said setpoint value comparison with said actual value and for generation of said adjusting signal.

As to **Claim 16**, Hiroyuki discloses final control element is actuated against a restoring force 35.

As to **Claim 17**, Hiroyuki discloses restoring force is generated by a restoring spring 35.

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As to **Claim 18**, Hiroyuki discloses a delivery volume of the positive displacement pump is reduced on actuation of said final control element. FIGS. 8,9.

As to **Claim 19**, Hiroyuki discloses the positive displacement pump 24 is adjusted to maximum volumetric flow upon failure of a control chain or of an individual component.

2. Claims 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Anamoto et al (US 5,921,758).

As to **Claim 10**, Anamoto et al discloses a method for adjusting a volumetric flow-variable positive displacement pump in an internal combustion engine, the method comprising the steps of:

- a) driving the positive displacement pump 33; FIG. 1.
- b) transporting fluid to consumption points in the internal combustion engine 38; FIG. 1.
- c) determining at least one characteristic 66 of the internal combustion engine; FIG. 1.
- d) transmitting said characteristic 66 as an actual value signal to a controller 34; FIG. 1.
- e) comparing said actual value signal with a predetermined setpoint value; FIG. 6.
- f) generating an adjusting signal from a deviation between said actual value signal and said setpoint value; FIGS. 6;
- g) feeding said adjusting signal to a final control element 74;
- h) changing a volumetric flow of the positive displacement pump 33 by means of said final control element as a function of said adjusting signal; and

i) repeating steps a) through h) until said actual value signal is the same as said setpoint value; FIGS. 6.

As to **Claim 11**, Anamoto et al discloses the characteristic 66 is a speed of the internal combustion engine sense by the throttle valve sensor 66.

As to **Claim 12**, Anamoto et al discloses said setpoint value comprises a setpoint value range.

As to **Claim 13**, Anamoto et al discloses the volumetric flow is changed only when said adjusting signal exceeds a threshold value.

As to **Claim 14**, Anamoto et al discloses a multi-purpose motor control computer 34 is used as said controller.

As to **Claim 15**, Anamoto et al discloses said motor control computer 34 is supplemented with positive displacement pump data and calculation rules for said setpoint value comparison with said actual value and for generation of said adjusting signal.

As to **Claim 16**, Anamoto et al discloses final control element is actuated against a restoring force.

As to **Claim 17**, Anamoto et al discloses restoring force is generated by a restoring spring 48.

As to **Claim 18**, Anamoto et al discloses a delivery volume of the positive displacement pump is reduced on actuation of said final control element 74. FIGS. 6.

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As to **Claim 19**, Anamoto et al discloses the positive displacement pump 33 is adjusted to maximum volumetric flow upon failure of a control chain or of an individual component

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HYDER ALI whose telephone number is (571) 272-4836. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HENRY YUEN can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Henry C. Yuen
Supervisory Patent Examiner
Group 3700